

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISON

LINDA S. GARRETT,

Plaintiff,

V.

Civil Action No: 2:13-23234
(Judge _____ **)**

KINES FAMILY PHARMACY, INC.,

Defendant.

COMPLAINT

Plaintiff alleges and says as follows:

1. That this is an action brought by the Plaintiff as a direct result of the defendants violation of Federal law known as the Fair Labor Standards Act for failure to pay wages and overtime in violation of federal law.
2. That the Plaintiff, Linda S. Garrett at all times material hereto, was a citizen and resident of Kanawha County, West Virginia and was employed by Kines Family Pharmacy, Inc.
3. That at all times alleged herein, Kines Family Pharmacy, Inc., was a West Virginia corporation and is qualified to do business and is doing business in Southern District of West Virginia, and further, Kines Family Pharmacy, Inc. operates a place of business in Kanawha County, West Virginia and is within the jurisdiction of this Court. Further Kines Family Pharmacy, Inc. is an employer engaged in interstate commerce as that term is defined under the Fair Labor Standards Act.

4. The United States District Court for the Southern District of West Virginia has subject matter jurisdiction over this suit under the provisions of 28 U.S.C. § 1331 because it raises questions under the Federal Fair Labor Standards Act, 29 U.S.C. § 216(b).
5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(c), because the Defendants may be found in this district and the challenged conduct occurred in this state.
6. That during these times, the Defendant was fully aware of the exact duties and responsibilities assigned to Plaintiff and knew or should have known that it were therefore illegally not paid wages or overtime for worked performed by the Plaintiff.
7. That in addition during this time the Plaintiff frequently worked more than 40 hours each week, but, despite their non-exempt job duties, she was never paid wages for hours actually worked in excess of 40 hours per week.
8. That plaintiff was hired by Kines Family Pharmacy, Inc. on March 3, 2008, and was continuously employed thereafter until the Plaintiff's employment was terminated on March 22, 2013.
9. That without limitation the defendant would make the following specific wage and hour violations.
 - a. The plaintiff would be required to work almost every day for up to an hour and a half without payment.
10. That Kines Family Pharmacy Inc., in violation of said of both Federal and State law, failed to pay Plaintiff wages and benefits due and owing, which were earned by said Plaintiff.

11. Based on the foregoing, Defendant's conduct in this regard was a violation of the Federal Fair Labor Standards Act and entitles Plaintiff to compensation for all hours in which they were not paid minimum wage, overtime hours worked, liquidated damages, attorneys' fees and court costs.

WHEREFORE, the Plaintiff demands:

- a) Judgment against the Defendant for an amount equal to loss of all wages, plus interest;
- b) Liquidated damages;
- c) Attorney fees and costs; and
- d) Such further equitable and legal relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

LINDA S. GARRETT
By Counsel

s/J. Michael Ranson

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